

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KENYATTA NALLS (#230196),

Plaintiff,

CASE NO. 2:11-CV-12670  
JUDGE ARTHUR J. TARNOW  
MAGISTRATE JUDGE PAUL J. KOMIVES

v.

BENNY N. NAPOLEON,  
MICHAEL BRANDON,  
LINTON DIXON,  
TIFFANI JONES,  
JACQUELYN FOSTER,  
TONYA CHETAM,  
JONES,  
MAXINE HAWK,  
KIMBERLY MAJORS,  
THOMAS and  
JOHN DOES 1-4,

Defendants.

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**ORDER GRANTING WAYNE COUNTY DEFENDANTS' MAY 28, 2013 MOTION FOR  
ORDER ALLOWING THEM TO DEPOSE PLAINTIFF AT THE MDOC'S ST. LOUIS  
CORRECTIONAL FACILITY (Doc. Ent. 12)**

**A. Background**

According to the MDOC's Offender Tracking Information System (OTIS), plaintiff Kenyatta Nalls (#230196) is currently incarcerated at the MDOC's Alger Correctional Facility (LMF) in Munising, Michigan.<sup>1</sup> On June 20, 2011, while incarcerated at the St. Louis Correctional Facility (SLF), Nalls filed the instant pro se prisoner civil rights complaint against fourteen (14) defendants: Benny N. Napoleon, Brandon, Dixon, Jones, Foster, Chetam, Jones,

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<sup>1</sup>See [www.michigan.gov/corrections](http://www.michigan.gov/corrections), "Offender Search."

Hawk, Majors, Thomas and John Does 1-4. Doc. Ent. 1 at 1-2. The facts underlying the complaint stem from the alleged events of March 13, 2010 at the Wayne County Jail (WCJ), when plaintiff claims his left hand was smashed and crushed by his cell door, and continue through April 17, 2010. Doc. Ent. 1 at 4-11 ¶¶ 1-73.<sup>2</sup>

The Court has dismissed defendant Benny Napoleon. Doc. Ent. 5. Defendants Jacquelyn Foster, Tonya Chetam, Tiffani Jones, Maxine Hawk, Kimberly Majors, Michael Brandon and Linton Dixon have appeared. *See* Doc. Entries 7 and 8. By way of my May 21, 2013 order, plaintiff has until June 14, 2013 by which to adequately identify Wayne County Sheriff Deputy Corporal Jones and Wayne County Jail Nurse Thomas, as well as John Does 1-4. Doc. Ent. 10.

**B. Instant Motion**

On November 8, 2011, Judge Tarnow referred this case to me for pretrial matters. Doc. Ent. 9. Currently before the Court is the Wayne County defendants' May 28, 2013 Fed. R. Civ. P. 30(a)(2)(B) motion for an order allowing them to depose plaintiff Kenyatta Nalls at SRF. Doc. Ent. 12.

**C. Order**

Upon consideration, the Wayne County defendants' May 28, 2013 motion for an order allowing them to depose plaintiff Kenyatta Nalls at the MDOC's St. Louis Correctional Facility (Doc. Ent. 12) is GRANTED. The Wayne County defendants may depose plaintiff Kenyatta Nalls (#230196) in the state facility in which he is currently confined; such deposition may be

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<sup>2</sup>Among the sentences Nalls is serving are those imposed on September 30, 2010 for March 5, 2010 offenses. *See* Case No. 10-003122-01-FC (Wayne County).

stenographically recorded and shall otherwise be conducted in accordance with the rules of this Court; and such deposition shall take place upon reasonable notice to all parties.

The attention of the parties is drawn to Fed. R. Civ. P. 72(a), which provides a period of fourteen (14) days from the date of service of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: May 28, 2013

s/ Paul J. Komives  
PAUL J. KOMIVES  
UNITED STATES MAGISTRATE JUDGE

**PROOF OF SERVICE**

I hereby certify that a copy of this Order was served up on Kenyatta Nalls and Counsel of Record on this date.

Dated: May 28, 2013

s/ Lisa C. Bartlett  
Case Manager